

**CERTIFICATE OF TRANSMISSION BY FIRST CLASS MAIL (37 CFR 1.8)**

Applicant(s): Scott A. Waldman, et al.

Docket No.

08321-0166US

Serial No.

09/820,215

Filing Date

March 27, 2001

Examiner

Alexander H. Spiegler

Group Art Unit

1637

Invention: HIGH SPECIFICITY MARKER DETECTION

I hereby certify that this Declaration of Dr. Scott Waldman Pursuant to 37 C.F.R. 1.132*(Identify type of correspondence)*is being deposited with the United States Postal Service as first class mail in an envelope addressed to: The Commissioner for Patents, Alexandria, VA 22313-1450 on July 7, 2004*(Date)*Susan Pasuk*(Typed or Printed Name of Person Mailing Correspondence)*A handwritten signature in cursive script, appearing to read "Susan Pasuk".  
*(Signature of Person Mailing Correspondence)***Note: Each paper must have its own certificate of mailing.**

Appl. NO.: 09/820,125

Atty. Docket No. 83231-0166 US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: Scott A. Waldman *et al*

Serial No.: 09/820,125

Group No.: 1637

Filing Date: March 27, 2001

Examiner: Alexander H. Spiegler

For: HIGH SPECIFICITY MARKER DETECTION

DECLARATION OF DR. SCOTT WALDMAN  
PURSUANT TO 37 CFR § 1.132

I, Dr. Scott A. Waldman, declare as follows:

1. I am an inventor in the above-identified patent application.
2. I have read and reviewed the Office Action mailed February 12, 2004.
3. The Examiner alleges that "the specification does not provide support for the newly amended Claim 4 (or newly added Claim 40), which assert that markers other than those listed on page 10, lines 7-10, are 'epithelial' cell markers."
4. The markers that are listed in Claims 4 and 40 are known to be epithelial cell markers. One skilled in the art would recognize these genes to be genes associated with epithelial cells. One of ordinary skill in the art would know that the markers listed in Claims 4 and 40 are epithelial cell markers.
5. I declare that statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 7/6/04By: 

Dr. Scott Waldman